9th December 1961]

SRI T. S. RAMASWAMI : On a point of order, Sir. I am afraid that the consent of the House is necessary to proceed to the next item.

DEPUTY SPEAKER : As soon as the questions are over, we can proceed to the next item.

SRI T. S. RAMASWAMI : Rule 22 of the Assembly Rules states that the first hour of every sitting shall, unless the House unanimously resolves otherwise, be available for the asking and answering of questions. So, the consent of the House is necessary if we want to proceed with any other item within the first one hour allotted for questions.

DEPUTY SPEAKER : Unless we want to take away the question-hour completely and allot it to some other business, permission of the House under Rule 22 is not necessary.

## IV.—CALLING ATTENTION TO THE RETRENCHMENT OF WORKERS IN THE MUKKAMPALA ESTATE.

SRI V. K. KOTHANDARAMAN : கனம் உதவி சபாநாயகர் அவர்களே, கன்யாகுமரி ஜில்லாவிலுள்ள முக்கம்பலா எஸ்டேட்டில், இப்பொழுது அதற்குப் பெயர் பெத்தானி எஸ்டேட், வேலை செய்யக்கூடிய சுமார் 126 தொழிலாளர்கள் வேலையிலிருந்து நீக்கப்பட்டிருக்கிறார்கள். அப்படி அவர்கள் வேலையிலிருந்து நீக்கப்பட்டதுடன் அவர்கள் அவர்களுடைய குடியிருப்பிலிருந்தும் கூட வெளியேற்றப்பட்டிருக்கிறார்கள். அதனால் அந்தத் தொழிலாளர்கள் ரொம்பவும் துன்பத்திற்குள்ளாகி இருக்கிறார்கள். அந்தத் தொழிலாளர்களுக்கு ஏற்பட்டுள்ள துன்பங்களையும் இன்னல்களையும் எடுத்துரைப்பது ரொம்பவும் முக்கியத்துவம் வாய்ந்ததாக இருக்கக்கூடிய விஷயமாக இருக்கிறது என்பதை கனம் உள்துறை அமைச்சர் அவர்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : Mukkampala Estate was owned by the Midland Rubber and Produce Company, Limited, Allepey. One hundred and twenty-six workers were working in the estate. On 29th August 1961, the Superintendent of the Mukkampala Estate gave notice stating that they had decided to retrench the workers with effect from 31st August 1961, after paying the notice-pay, etc., stipulated under the Industrial Disputes Act, as they had decided to sell Mukkampala Estate on and from 1st September 1961. Accordingly, the management paid notice-pay, compensation, etc., to the 126 workers on 31st August 1961 in full and final settlement and terminated their services. From 1st September to 6th September 1961 there

was no work on the estate and so no person was employed on the estate. On 6th September 1961 Mukkampala Estate was sold to the Archbishop of Trivandrum and a clause was added in the sale deed to the effect that the vendor had terminated the services of all the labourers and staff on the estate with effect from 1st September 1961 in accordance with the provisions of the Industrial Disputes Act, after paying the compensation due up to that date and that it will keep the purchaser indemnified against all demands and claims by the said labourers and staff in connection with their services up to 31st August 1961. The new purchaser changed the name of the estate from Mukkampala Estate to Bethany Estate and wanted to do only the work of collecting latex and sending it on to a factory at Kottayam. Therefore, their requirement of labour was only about 40 to start with.

2. On 8th September 1961, about 23 of the old workers and about 20 outsiders were selected for work by the new management. The old workers insisted that all the 126 workers who were previously employed should be taken back into service, which the new management could not do. Therefore the 23 workers staged a demonstration. The management however carried on their work with the help of the newly recruited workers.

3. An industrial dispute was raised on the above issue by the Tamilnad Estate Workers' Union, Kulasekharam, and conciliation was conducted by the Labour Officer, Nagercoil. No settlement was possible during conciliation. The Commissioner of Labour himself therefore met the representatives of the management of Bethany Estate and the Union at Nagercoil on 21st October 1961 for further discussions on the issue in the dispute.

4. Since the previous management had paid off all the statutory dues to the workers in full determination of their claims and have terminated their employment prior to the sale of the estate to the new management and that the workers had accepted the compensation thus offered by the old management, the workers cannot have a right to demand employment from the new management. It is also reported that the immediate requirement of the new management for workers is only for a limited number.

5. For these reasons Government have considered that no reference for adjudication is called for in this case. It is reported that on the advice of the Commissioner of Labour, the new management are willing to recruit the old workers according to their choice, as and when vacancies arise in the estate. The workers have been advised to approach the new management with their applications for employment in the estate and the management also have been advised to recruit those workers found suitable against future vacancies.